

HB 620 -- Flood Plain Management

Sponsor: Merideth

Except for construction on land used for agricultural purposes in third classification counties, this bill requires anyone seeking to construct an enclosed building, levee, or other earthen berm within a 100-year flood plain to obtain a permit. In cities and counties with planning and zoning, the permit must be obtained from the local government. In cities and counties without planning and zoning, the permit must be obtained from the State Emergency Management Agency (SEMA). The departments of Agriculture and Natural Resources are allowed 15 days to comment on any permit application.

The bill also requires that all new commercial, residential, or industrial structures in federally delineated floodways and all variances from the requirements of local ordinances be approved by SEMA. Structures intended to be flooded or associated with bridges, roads, and water-related recreation and commercial activities are exempt. Permits will only be issued if the structure meets all applicable state and federal requirements and if the construction will not raise the elevation of the 100-year flood level by more than 1/10 of a foot. Permits must also require that the lowest floor of insurable structures be elevated at least one foot above the 100-year flood level.

The General Assembly may appropriate funds for projects in areas that comply with the requirements of the National Flood Insurance Program to repair public levees and to increase the protective height of levees if approved by SEMA. Agricultural land cannot be used in cost/benefit analyses for development of levees to protect commercial and residential properties. To qualify for federal hazard mitigation grants and state block grants, communities containing flood hazard areas must be members of the National Flood Insurance Program. The bill also makes misrepresentation of a fact in applications for flood buy-out funds a class C felony.

Further, the bill repeals provisions that make compliance with a permit from a political subdivision adequate proof of reasonable use in contested cases involving surface water in flood-prone areas if the political subdivision has acted in accordance with the National Flood Insurance Program.